

Hearing Date: October 19, 2010
Hearing Time: 10:00 AM (EST)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

vs.

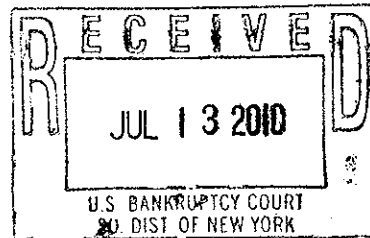
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.



Bankruptcy Case No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**MEMORANDUM IN OPPOSITION TO TRUSTEE'S MOTION TO AFFIRM
TRUSTEE'S DETERMINATION DENYING CLAIMS OF CLAIMANTS
WITHOUT BLMIS ACCOUNTS IN THEIR NAMES,
NAMELY, INVESTORS IN FEEDER FUNDS**

Pursuant to the Court's Order dated April 13, 2010 (the "Order" [docket no. 2205]),
~~David P. Carlin IRA Rollover~~ hereby submits this Opposition to the Trustee's Motion For An
Order to Affirm Trustee's Determinations Denying Claims of Claimants Without BLMIS
Accounts In Their Names, Namely, Investors In Feeder Funds [docket no. 2416], and the

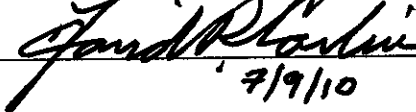
memoranda filed by the Trustee and by SIPC in support of the same [docket nos. 2411 and 2414, respectively].

David P Carlin IRA Rollover is an "Objecting Claimant" as defined in the Order. David P Carlin IRA Rollover filed an objection to the Trustee's denial of its claim on the basis that David P Carlin IRA Rollover did not have an account at BLMIS (the "Objection" [docket no. 1302]). The Objection, along with its exhibits (including David P Carlin IRA Rollover customer claim), is attached hereto as **Exhibit 1**.

The Trustee's determination that David P Carlin IRA Rollover is not a "customer" under SIPC because it did not have an account in its name at BLMIS is wrong for the reasons set forth in David P Carlin IRA Rollover Objection. In the interest of preserving judicial resources, David P Carlin IRA Rollover hereby incorporates by reference as if fully restated herein the arguments set forth in the Objection as to why David P Carlin IRA Rollover should be treated as a customer under SIPC. David P Carlin IRA Rollover also hereby joins and incorporates by reference as if fully restated herein the arguments and authority cited in the objections and oppositions filed on behalf of all similarly situated Objecting Claimants as to why the Trustee's determination on the customer issue is wrong.

Dated: July 12, 2010

David P Carlin IRA Rollover


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